

# **CIVIL SERVICE COMMISSION REGULAR MEETING**

Wednesday, July 18, 2012, 2:00 p.m.

City Hall, 45 Lyon Terrace, Council Chambers, Bridgeport, CT 06604

## **MINUTES**

Just prior to the meeting Civil Service learned that Wheeler A and B had been flooded and the meeting was relocated to the Council Chambers.

Commissioner Guedes called the July 18, 2012 regular meeting of the Civil Service Commission to order at 2:03 p.m. Present were Commissioners Rodgers, Plummer, McBride and Correa. Also attending were Personnel Director David Dunn, Clerk to the Commission Deborah Brelsford, and City Attorney John Mitola.

### **1. Meeting Minutes - APPROVED**

Mr. Dunn explained that he had reviewed the minutes from the June 12, 2012 regular monthly meeting of the Commission and the June 19, 2012 special meeting and that the minutes were in order. On a motion made by Commissioner McBride and seconded by Commissioner Rodgers the minutes from June 12, 2012 and June 19, 2012 were approved.

### **2. Vacancies - APPROVED**

Mr. Dunn explained that Civil Service received the signed Position Request Forms for the vacancies and funding was approved for them. He further explained that Don Eversley was at BEDCO and David Kooris is the new Director of Planning and Economic Development and that Christopher Anastasi was promoted in CitiStat. Additionally, Fire Chief Rooney conducted about 20 interviews and selected a woman who worked at St. Vincent's Medical Center. Labor Relations hired Thomas Austin as Senior Labor Relations Officer. The remaining positions were still in the process of being filled. On a motion made by Commissioner Plummer and seconded by Commissioner Rodgers the Civil Service Commission approved the following vacancies:

<u>Department</u>	<u>Title</u>	<u>Employee</u>
OPED	Director, Office of Planning and Econ Dev.	David Kooris
CitiStat	Assistant Special Project Manager	
CitiStat	Assistant Special Project Manager	Chris Anastasi
Fire	Executive Secretary to Fire Chief	
Lighthouse	Conservation Program Aide (3)	
Central Grants	Housing Construction Development Specialist	
Labor Relations	Senior Labor Relations Officer	Thomas Austin, Esq.

### **3. Merit Increases – CERTIFIED FOR RECORD**

On a motion made by Commissioner Correa and seconded by Commissioner McBride the following merit increases were certified for the record:

#### **POLICE**

Arroyo, William	Police Officer	\$58,109 (3) to 61,981 (4)	7/9/12
Arroyo, Cristina	Police Officer	\$58,109 (3) to 61,981 (4)	7/9/12
Blackwell, Mark A.	Police Officer	\$58,109 (3) to 61,981 (4)	7/9/12
Cantrell, Michael J.	Police Officer	\$58,109 (3) to 61,981 (4)	7/9/12

Cesar, Alfred	Police Officer	\$58,109 (3) to 61,981 (4)	7/9/12
Delgado, Ivan G.	Police Officer	\$58,109 (3) to 61,981 (4)	7/9/12
Diez, Julio C.	Police Officer	\$58,109 (3) to 61,981 (4)	7/9/12
Donawa, Nicole L.	Police Officer	\$58,109 (3) to 61,981 (4)	7/9/12
Fortes, Kenneth C.	Police Officer	\$58,109 (3) to 61,981 (4)	7/9/12
Hernandez, Juan Jr.	Police Officer	\$58,109 (3) to 61,981 (4)	7/9/12
Ivanko, James A.	Police Officer	\$58,109 (3) to 61,981 (4)	7/9/12
Jones, Bobby	Police Officer	\$58,109 (3) to 61,981 (4)	7/9/12
Kelly, Jeremy	Police Officer	\$58,109 (3) to 61,981 (4)	7/9/12
Lyons, Stacey A.	Police Officer	\$58,109 (3) to 61,981 (4)	7/9/12
Nestlen, Sara E.	Police Officer	\$58,109 (3) to 61,981 (4)	7/9/12
Niestemski, Trevor J.	Police Officer	\$58,109 (3) to 61,981 (4)	7/9/12
Remele, Carla F.	Police Officer	\$58,109 (3) to 61,981 (4)	7/9/12
Riettie, Kateema C.	Police Officer	\$58,109 (3) to 61,981 (4)	7/9/12
Rodriguez, Angel M.	Police Officer	\$58,109 (3) to 61,981 (4)	7/9/12
Sigrist, Michael R.	Police Officer	\$58,109 (3) to 61,981 (4)	7/9/12
Vazquez, Carlos M.	Police Officer	\$58,109 (3) to 61,981 (4)	7/9/12
Villafane, Juan R.	Police Officer	\$58,109 (3) to 61,981 (4)	7/9/12
Vincze, Martin P.	Police Officer	\$58,109 (3) to 61,981 (4)	7/9/12
Bruno, Robert	Police Officer	\$58,109 (3) to 61,981 (4)	7/16/12
Baraja, James	Police Deputy Chief	\$98,506 (1) to 103,340 (2)	6/22/12
Ronan, Sean	Police Detective	\$66,794 (1) to 70,040 (2)	9/25/11
Martocchio, Edward N.	Police Detective	\$66,794 (1) to 70,040 (2)	9/25/11
Calvao, Artur	Police Detective	\$66,794 (1) to 70,040 (2)	9/25/11
McKenna, Kenneth C.	Police Detective	\$66,794 (1) to 70,040 (2)	9/25/11

#### MERIT INCREASES EFFECTIVE JULY 1, 2012

##### **OPM**

Beth Royer	Project Manager	\$85,291 (5) to \$89,514 (Top)
Maria Lage	Administrative Assistant	\$72,301 (5) to \$74,116 (Top)

##### **HEALTH**

Sean Tipples	Registered Sanitarian/Inspector	\$67,663 (4) to \$69,363 (5)
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##### **AIRPORT**

Jean Paul Chacur	Airport Certification Specialist	\$37,007 (1) to \$40,103 (2)
Thomas Norko	Airport Certification Specialist	\$37,007 (1) to \$40,103 (2)

#### **4. Permanent Appointments – CERTIFIED FOR RECORD**

On a motion made by Commissioner McBride and seconded by Commissioner Correa the permanent employment of Deputy Chief James Baraja was certified for the record:

<b><u>Employee Name</u></b>	<b><u>Job Title</u></b>	<b><u>Effective Date</u></b>
<b><u>POLICE</u></b>		

Baraja, James	Police Deputy Chief	6/22/12
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#### **5. Firefighter #2306 Certification of Employment List – CERTIFIED**

Mr. Dunn explained that the Firefighter Exam was noticed on June 20, 2011 and the application period closed on November 4, 2011. For the record he read through the Examiner's Report that Lisa Kollman prepared. He further explained that the top 50 candidates were sent letters and began further testing. One withdrew because he took another job and 49 were placed into the process. 4 have failed the initial medical exam and 25 have been scheduled for psychological appointments and to date 2 have not been recommended for hire by the psychologists. From

these 41 candidates one has changed his address and the residency points he had been awarded have been adjusted accordingly and 40 are still in the process.

Commissioner Guedes asked Mr. Dunn how many classes did he expect to get from the list and he replied that the list is good for 2 years and that he didn't think there would be much turnover in the next 3 years because of the new pension for firefighters that is based on the 3 best years. In 3 years he expects to see some turnover. He said that he would be pleased to get 3 classes from this list based on the budget process and the budgetary considerations. Commissioner Correa asked if the Fire Department is fully staffed and Mr. Dunn explained that the Table of Organization calls for a lot more firefighters than we currently have. He said, yes, the Department is staffed on the line, however, no, the Department is not staffed off the line. He explained that there are 5 platoons in the City and the new hires will be a help but that means less than 4 new firefighters per platoon and this would not eliminate overtime but it would help.

Commissioner Plummer asked if the figures from the test show if Bridgeport's numbers are the norm and Mr. Dunn replied that he will request a report from the testing company, I/O Solutions, but that we have been told by them that we are doing very well and are above the expected norms and requirements for EEOC. Mr. Dunn also said the recruitment efforts were very effective with over 1/3 of the candidates being Bridgeport residents. He explained that after number 132 on the list there are no more Bridgeport residents.

Mr. Dunn added that for the first time in the history of the Bridgeport Fire Department psychological evaluations would be given to the candidates. Commissioner Plummer asked how this decision came to be and Mr. Dunn explained that the Administration, Fire Chief and City Attorney's Office felt that it would be appropriate to invest in the \$400 psychological evaluation now and save money in the long-term. Mr. Dunn said that this is not without some controversy, however. This is because there have been very different cases of terminations of firefighters for very different reasons over the past several years. Mr. Dunn added that Lt. Garcia would be back to work by the time of the first firefighter appeals. On a motion made by Commissioner Plummer and seconded by Commissioner McBride the Commission unanimously certified the list for Firefighter #2306.

#### **6. Town Clerk – Reclassification of Assistant Town Clerk I - TABLED**

The Commission received a request from Alma Maya, Town Clerk, to reclassify the position of Assistant Town Clerk I from competitive to non-competitive. Mr. Dunn explained that the position of Assistant Town Clerk I is an entry level position in the Supervisor's union and that in speaking with Town Clerk Alma Maya it was felt that an open competitive exam was not necessary. The Town Clerk felt that by making the Town Clerk I position non-competitive she would be able to respond to the needs of the Department. Mr. Dunn stated that the vacancy would probably be filled by somebody in this Department and that the position is in NAGE but would go into the Supervisor's union. Mr. Dunn stated that the Commission might remember him saying there was some controversy over the manner in which the interviews were conducted for the Assistant Town Clerk II position in that the person who got the job was happy while the person who was not chosen for the position was not happy.

Commissioner Guedes asked if there was anybody within this Department who would be eligible to take the exam, or anybody disgruntled, or anybody who was friendly with the Department Head. Mr. Dunn did not think so. He added that the Department Head still has the ultimate authority. Commissioner McBride asked if the Common Council needed to approve this and Mr. Dunn said

he did not think so but that he knew Bernd Tardy from the Supervisors union had called Mr. Dunn who had not yet had the opportunity to return the phone call. Mr. Dunn said he would be more concerned if somebody from NAGE had called him. Commissioner Correa asked if other departments had people who might qualify and Mr. Dunn said that even with the position being non-competitive they could still apply. Attorney Mitola, in responding to Commissioner McBride's question, referred the Commissioners to the Charter where it states that the Commission has the authority, in a public hearing, with a unanimous vote and the approval of the Mayor.

On a motion made by Commissioner Correa and seconded by Commissioner McBride the Commission tabled this to the next meeting. In the meantime Mr. Dunn would ask speak with the unions. Mr. Dunn reminded the Commissioners that Alma Maya, Town Clerk, is an elected position and is not part of a union.

#### **7. Arlindo Dos Santos Appeal – DENIED**

On a motion made by Commissioner McBride and seconded by Commissioner Correa the Commission entered executive session at 2:30 p.m. The Commission returned to public session at 2:37 p.m. Commissioners Plummer, Rodgers, McBride, and Correa each respectively voted to deny the appeal of Mr. Dos Santos.

Mr. Scott Hughes had been present but was not found nearby so the Commission decided to move to the next appeals until Mr. Hughes returned.

#### **8. Jonathan Candito – Request for Waiver – GRANTED**

The Commission has received a request from Mr. Candito for a waiver on Police #2302, due to a medical reason. On a motion made by Commissioner McBride and seconded by Commissioner Plummer the Commission unanimously approved the 6-month waiver requested by Mr. Candito.

#### **9. Jesse Meade – Request for Waiver – GRANTED**

The Commission has received a request from Mr. Meade for a waiver on Police #2302, due to a deployment to Afghanistan. On a motion made by Commissioner Plummer and seconded by Commissioner Correa the Commission unanimously approved the 6-month waiver requested by Mr. Meade.

#### **10. James Arpaio – Request for Waiver – TABLED**

The Commission has received a request from Mr. Arpaio for a waiver on Police #2302. The Commission has requested a reason be obtained from Mr. Arpaio. On a motion made by Commissioner McBride and seconded by Commissioner Rodgers the Commission unanimously tabled Mr. Arpaio's request for a 6-month waiver in order for Mr. Dunn to find out the reason for his request. Mr. Dunn would send a letter to Mr. Arpaio requesting a reasonable explanation for his request.

#### **11. Michael Hawkins Appeal – APPROVED ADDITIONAL 6 MONTH PROBATIONARY PERIOD**

Mr. Hughes was present again and the Commission returned to the hearing for Michael Hawkins. Commissioner Guedes asked Mr. Dunn for a summation of the matter and Mr. Dunn explained that Mr. Hughes, as Department Head, insisted on a 3 part vote. In June the Commission had questions of Paula Keegan, Mr. Hawkins' direct supervisor. She said that she would consider a 6-month extension of Mr. Hawkins' probationary period in order for him to correct the cited problem areas. Mr. Hughes in May also had said he would consider a 6-month extension of Mr. Hawkins' probationary period.

Mr. Hughes explained that since there was a similar case with regard to Frank Basler and the Commission did not have the authority to decide on that matter because Mr. Basler was a provisional hire. Mr. Hughes said that a Library Assistant is hired also pending exams and Mr. Dunn said that no exam has been given in over 25 years at the Library. Mr. Hughes was concerned that precedence would be set. Attorney Mitola explained that there is a difference between the matter of Mr. Hawkins and that of Mr. Basler. Mr. Hughes stated that he did a termination and Commissioner McBride said that Mr. Hawkins had worked 6 years at the Library in a prior position. Commissioner Correa stated that it was not the same title and questioned if he was disqualified on the ability to get the job done and Mr. Hughes replied yes. Mr. Dunn said that provisional status does not apply here. Mr. Dunn said that Mr. Hawkins did not have union rights but does have Civil Service rights and should be treated as a probationary employee. There have been people working in the Library over 30 years that had never been tested.

Commissioner Correa stated that the Commission had already voted and that Mr. Hughes was not present at last month's meeting or he could have spoken. Mr. Hughes said he had been invited but was not available. Mr. Hughes said he is the only person who can represent the Department. Attorney Mitola stated again that Frank Basler was clearly a provisional employee. Mr. Dunn said that all the jobs in the Library are non-competitive. Commissioner Correa stated that she wants to be very fair. Ms. Brelsford explained that the Commission acted as they had in June because in May when Mr. Hughes was questioned by Commissioner Guedes if he would consider an extension of the probationary period by 6 months Mr. Hughes said yes, however, Mr. Hughes said his response was out of context. Attorney Mitola said he would take a look at Mr. Hawkins' personnel file. Attorney Mitola added that the City has had employees in provisional positions for 20 years and when the City goes to give the test people get upset.

Mr. Dunn said the intent is to have Library positions as non-competitive and that 30 years ago the Library was cut loose from the system. Mr. Dunn further explained that "provisional" is used with competitive jobs. Mr. Hughes replied that all of this is still pending and that appointment letters state pending qualifying examinations. Commissioner Correa said that Mr. Hawkins has been out of a job and in this economy that impacts the person and his family and she wants to be very clear. She added that she does not want to rescind votes. Commissioner Guedes polled each Commissioner and Commissioners Correa, McBride, Plummer, and Rodgers each voted to put Mr. Hawkins back in his position and extend his probationary period for 6 months. Personnel Director Dunn voted to put Mr. Hawkins back in his position and extend his probationary period for 6 months and Department Head Hughes abstained.

Commissioner Guedes stated that Mr. Hawkins' probationary period was extended by a majority vote and that he would be back to work on Monday, July 23. Mr. Hawkins thanked the Commission for the opportunity and second chance.

## **12. Captain Roderick G. Porter Request**

Mr. Dunn said that the Commission just approved the permanent appointment of Deputy Chief James Baraja, who scored #1 on the Deputy Chief exam. Attorney Mitola stated that the Deputy Chief list has another 1 ½ years to run. Captain Porter explained that in October 2011 he took the exam and Baraja scored #1 and he scored #2 and he was less than 1 point behind Baraja. In May 2011 Deputy Chief Honis was suspended and it has been 15 months to date. Captain Porter said he met with the union officials recently and no hearing is planned through October 2012. Captain Porter said that he had been the Officer in charge in the Office of Internal Affairs and that it takes

a long time to investigate, charge, have a hearing, the termination of the hearing phase and the City Attorney report and sometimes it takes several years to get a final resolution.

Captain Porter added that Deputy Chief Honis has been out of work for over a year due to his suspension and nothing is scheduled through October and the City and Department takes this very seriously. Deputy Chief Honis has been barred from the Police Department and his name has been removed from the Police Department directory. Captain Porter said that he would like the time to be suspended back to Baraja's or if Deputy Chief Honis is removed through termination that Porter not be negatively affected. Captain Porter restated the various steps over a long period of time including investigation conclusion, charges to come, investigation take place, City Attorney to report on charges filed and then even the Labor Board. Commissioner Guedes asked if there is a statute on how long the process should take and Captain Porter said that there is a 60 day stipulation under a federal court order and if suspended without pay 10 days. He added that Deputy Chief Honis is currently suspended with pay.

Attorney Mitola added that Deputy Chief Honis' matter is subject to a federal investigation and an investigation cannot be brought on by the City until the feds complete their work. He added that the City is at the mercy of the feds' investigation and that can take time. Captain Porter replied that the Police Department and the City can only conduct an administrative investigation and that there are 2 separate charges. Attorney Mitola said the City of Bridgeport may not conduct an administrative investigation on "potential" charges and that the City will wait until the federal investigation is completed before doing its own investigation. Due to the seriousness of the allegations it is prudent to put Deputy Chief Honis on administrative leave with pay. It does not look good for someone in Honis' position to go to work with claims hanging over his head.

Commissioner Correa added that City residents are losing; that someone who has the potential, like Captain Porter, to work on behalf of the City, is looking out for the well-being of this City. Commissioner Correa added that there are gaps of work not being done and Captain Porter said that Deputy Chief Radzimirski has assumed the additional duties of the Patrol Division and the Detective Bureau. Captain Porter stated again that there is no reason the City can't go forward with an administrative investigation. Attorney Mitola stated that it is the Chief's call and that OIA would currently begin when the feds finish. Commissioner Rodgers said the City of Bridgeport is still paying and Attorney Mitola said there is no reason to suspend Deputy Chief Honis without pay and pursue discipline.

Commissioner Guedes asked what remedy Captain Porter is seeking and he said he understood what Attorney Mitola said about the feds and that he sympathizes with the situation but it is a very long protracted way of dealing with discipline. As an example, Captain Porter cited an example in New Haven, where a matter in the Police Department that happened in May was already resolved and the person was terminated. Captain Porter said he is looking for suspended time expiring to Deputy Chief Baraja's promotion or if it goes beyond then Captain Porter not be negatively affected.

Attorney Mitola said the Commission does not have authority to do this. Mr. Dunn added that for the Deputy Chief list to be tolled, as in stopping the clock, it can't be done without a court order and only in protracted cases if someone has an appeal pending. He added that Civil Service would need an agreement with the union to change the rules. There are other Captains and there would be a "domino" effect when tolling a list without a court order. Mr. Dunn said that he would not suggest tolling a list but the Commission could send a letter to the Board of Police

Commissioners or the Mayor or Chief Gaudett. There is 1 ½ years to go but he will draft a letter. This situation does impact the morale of the Police Department. People in the Department are frustrated. Commissioner Correa said she sees Captain Porter's point but the Commission does not have the authority but it can highlight the urgency of resolving the issue. Captain Porter said he is being proactive. Captain Porter was acknowledged by Commissioner Correa for having courage because he was not only doing this for himself but also for the rest of the people on the list. Attorney Mitola added that people in authority in the City have expressed this sentiment to the feds. Commissioner Guedes added that it behooves the Commission to send this letter to help the residents, the City at large and the Police Department. On a motion made by Commissioner Correa and seconded by Commissioner McBride all were in favor of sending the letter to the Mayor, Chief Gaudett, and the esteemed City Attorney. Captain Porter added that his request was not a reflection on the Honis situation.

### **13. Personnel Director's Report**

#### **Fire Captain**

Mr. Dunn stated the City did not prevail in the court case but that after carefully reading the decision he agrees with the City Attorney's office that there are several areas where clarity has been given. Regarding the matter of Cocca the judge said no layoff status. Initially Mr. Dunn said he did not agree with this but now he feels OK with it. The judge also said that litigation had to be pending and not possible and City Attorney Mitola said it is a thorny issue, with regard to the Freedom of Information issue. Mr. Dunn said that both the senior and junior groups of lieutenants are highly qualified and the City would have benefitted either way.

Further, Mr. Dunn explained that appeals are still pending with this test and that he did communicate to the Mayor that he would give this report to the Commission. Commissioner Correa made a suggestion that the Commission be informed before reading about matters such as these in the newspaper. Attorney Mitola explained that he received a phone call from the Mayor's press secretary Monday after 4:30 p.m. and she had been told that a copy of the decision was given to the newspaper and Attorney Mitola found the article online. Attorney Mitola added that he respects the court decision and that it does change the interpretation of the Charter regarding layoff. Commissioner McBride asked about the junior lieutenants and a possible appeal and Attorney Mitola said they can appeal and they would have 20 days to file an appeal and there could be a "stay". Attorney Mitola gave the following example: If the Fire Department has 18 Captains and the City says we can't afford this many and can only have 17 then the department loses the position and that is the layoff.

It is noted for the record that Commissioner Guedes turned the gavel to Commissioner Plummer at 3:50 p.m. as she had to leave the Commission meeting.

#### **Firefighter**

Mr. Dunn reported that 40 are still in the process from the original top 50 on the list. There was one appeal about the oral exam score but he withdrew his appeal.

#### **Police Academy**

The Academy started on July 9, 2012 with an expected 22 new recruits. One did not show up on the first day and Civil Service received an email from him. One quit on day 2 and the Academy now has 20 Bridgeport recruits.

Commissioner Plummer requested to see the curriculum for the Police Academy and Commissioner Correa added that it would be beneficial to have a tour of the academy.

On a motion made by Commissioner McBride the July 18, 2012 regular monthly meeting of the Civil Service Commission adjourned at 3:58 p.m.